



STATE OF KANSAS

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December 11, 1981

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ATTORNEY GENERAL OPINION NO. 81-274

The Honorable Kenneth Francisco
State Representative - Ninetieth District
3405 North Hydraulic
Wichita, Kansas 67218

Re: Cities and Municipalities -- Planning and Zoning --
Joint Metropolitan or Regional Planning Commissions

Synopsis: Membership of a joint planning commission created pursuant to K.S.A. 12-716 is to be determined by mutual agreement of the governing bodies of the cities or counties which belong to said commission. There is no statutory provision which requires unincorporated areas to be represented on the joint commission. Cited herein: K.S.A. 12-716, 12-718.

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Dear Representative Francisco:

You ask whether a joint regional planning commission, composed of the City of Wichita and Sedgwick County and created pursuant to K.S.A. 12-716, is required by statute or otherwise to have a certain number of members from the unincorporated areas to ensure representation of those areas.

K.S.A. 12-718 states in pertinent part:

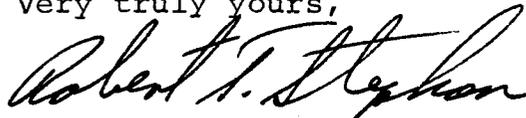
"The cooperating cities and counties which join to create a metropolitan or regional planning commission shall through joint agreement determine the number and qualifications of the members of the commission."

We find no statute which requires any planning commission to be appointed to represent a given area. The composition of the commission is determined by mutual agreement in the discretion of the governing bodies of the cooperating cities

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and counties. Under the terms of the Wichita-Sedgwick County Metropolitan Area Planning Commission agreement, the mayor of the City of Wichita with the consent of the city commission appoints five planning commission members who reside in the City of Wichita, and the board of county commissioners appoints five additional members who reside in Sedgwick County, including incorporated areas. Although the agreement specifies that persons residing in the incorporated areas may be appointed to the commission by the county, there is no express provision requiring that persons from unincorporated areas be appointed in any number.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Brenda L. Hoyt
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RTS:BJS:BLH:hle